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OFFICE OF THE CITY MANAGER

LTC # 291-2012

LETTER TO COMMISSION OFFICE

TO:

Mayor Matti Herrera Bower and Members of the City Commission

FROM:

Kathie G. Brooks, Interim City Manager

DATE:

November 13, 2012

SUBJECT:

Status of Contracts between CMB and Contractors/Vendors Named in 10/19/12 Affidavit

in Support of Arrest Warrant for Former Procurement Director Gus Lopez

The purpose of this LTC is to update the Mayor and City Commission on the status of Contracts between CMB and Contractors/Vendors Named in 10/19/12 Affidavit in Support of Arrest Warrant for Former Procurement Director Gus Lopez

On October 23, 2012, Letter to Commission (LTC) No. 270-2012 provided the City Commission with information regarding the recent arrest of the City's Former Procurement Director and the Affidavit in Support of the Arrest Warrant (Affidavit).

Since then, the City Administration has reviewed the City's current contracts with the vendors and/or contractors named in the Affidavit. The following steps have already been taken:

### JOB ORDER CONTRACTS (JOC) PROJECTS

The following actions have been taken in regard to JOC projects:

- 1. The City has ceased the assignment of projects and issuance of any new purchase orders for any Job Order Contracts (JOC).
- 2. Current JOC projects with purchase orders assigned to contractors other than these named in the Affidavit are continuing, unless otherwise recommended by the user department.
- 3. Projects assigned to contractors other than those named in the Affidavit, which had not yet had a purchase orders issued will be cancelled and the City will issue Invitation to Bids (ITBs).
- 4. Projects assigned to contractors named in the Affidavit are included on Appendix "A" and are under review.
- 5. The City is developing a process and seeking alternatives for the prequalification of firms to be used for smaller projects and on as needed basis for which the City predominately used JOC (electrical, mechanical, building trades, etc.)

Where necessary, the City has continued to contract for certain services (formerly contracted through JOC) via the emergency procurement or piggyback procedures available under the City Code. To that end, the City has already:

 Prepared Amendment No.1 to the contract between the City and Underpower to add street lighting repairs to non-FDOT lights to the scope of services; FDOT is currently doing three (3) milling and resurfacing projects in the City: Collins Avenue; Lincoln to 26<sup>th</sup> St; 41<sup>st</sup> St. project; and Harding Avenue project. On these contracts, the City is responsible to placing utility covers at correct elevations prior to the final lift of asphalt. Additionally, the City is responsible to relocate or replace fire hydrants to FDOT standards.

Because these projects were time sensitive and would have been awarded to JOC contractors, the City has instead utilized the emergency procurement procedures (City Code Section 2-396). In this case, we have used the competitively solicited FDOT contracts for paving on each of the projects.

- Prepared contract in the amount of \$45,350 with General Asphalt Co., which is the FDOT contractor on the Collins Avenue Lincoln to 26<sup>th</sup> St. project.
- Prepared contract in the amount of \$21,675 with General Asphalt Co. which is the FDOT contractor on the 41<sup>st</sup> St. project.
- Prepared contract in the amount of \$8,800 with Weekley Asphalt Inc., which is the FDOT contractor on the Harding Avenue project.

The City contracted Lanzo Construction to perform road reconstruction services in response to the 63<sup>rd</sup> Street water main blow-up which occurred on November 1, 2012. Lanzo is a FDOT contractor and was the only City contractor that performs this type of work not named in the Affidavit.

### **OTHER CONSTRUCTION PROJECTS**

Since most of the affected City contracts with contractors named in the Affidavit are for the provision of construction services, the Interim City Manager has met with the Capital Improvement Projects (CIP) Office and Public Works Department and requested that they provide a list of any current contracts with any of the contractors named in the Affidavit, as well as any immediately foreseeable competitive selections (i.e. ITB's, RFP's, and/or RFQ's) where it is anticipated that one of more of the named contractors may submit a response. To that end, the City has already:

- Postponed the Bid Opening pursuant to ITB#49-11/12 for the Right-of-Way Infrastructure Improvement Program for Venetian Islands Bid Package 13 C;
- Terminated for convenience the contract with Trans Florida Development Corp for Bayshore Neighborhood Bid Package 8B Lower North Bay Road.

Exhibit "A" presents a list of current construction projects with contractors named in the Affidavit, both JOC and for traditionally bid contracts, which are under review.

Exhibit "B" presents a list of construction projects which the City will need to issue bids for in the upcoming months.

### NON CONSTRUCTION PROJECTS

- The Administration has reviewed the Miami-Dade County contract with GRM Information Management Services for records management services to piggyback from said contract and rescind the current purchase authority which authorized the utilization of the contract that IDD has with the Department of Children and Families. The Administration is preparing an analysis for the City Manager's review.
- Pursuant to the City Commission's direction at its October 24, 2012 meeting, the City rescinded the award of a new contract to Security Alliance, and has contacted Security Alliance to advise them of the same, as well as to secure a month to month extension under their current contract. Security Alliance has advised the City that it is amenable to the month to month extension, provided the City approves an increase in Security's hourly rates, consistent rate with the Living Wage increase adjustment. This request is under review by the Administration. The City is also preparing a new RFP for security guard services.

In addition and as requested by the City Commission on October 24, 2012, the City Attorney's Office has prepared an amendment to the Debarment Ordinance which will provide additional grounds for debarment, as well as suspension, of City contractors. First reading of the proposed amendment will be at the November 14, 2012 Commission Meeting.

Finally, with respect to the City Commission's directive on October 24, 2012 that the City Attorney's Office proceed with looking into possible debarment of any or all of the contractors/vendors named in the Affidavit, the investigatory documents in custody of the State Attorney's Office regarding the Lopez's criminal investigation are still, as of the date of this LTC, exempt from disclosure. These materials are expected to become public record by the end of November.

Thank you.

C: Patricia D. Walker, Chief Financial Officer Raul J. Aguila, Chief Deputy City Attorney Rafael Granado, City Clerk

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# CIP CONSTRUCTION PROJECTS - CONTRACTORS NAMED IN THE AFFIDAVIT (NON JOCS)

Project Name	Contractor	Remaining Work (\$)	% Work Complete (in place)	Estimated Completion Date
Biscayne Point Improvements	David Mancini & Sons, Inc.	8,176,493.87	40%	Oct-13
	-			
Bayshore Lower North Bay Koad Improvements	Transflorida Development Corp	4,055,222.92	0.70	Jall-14
Bayshore Sunset Islands 1 & 2 Improvements	David Mancini & Sons, Inc.	2,169,070.05	65%	Mar-13
South Pointe Phase III/IV/V	Transflorida Development Corp	3,680,259.05	75%	Mar-13
Star Island ROW	Transflorida Development Corp	43,301.62	%66	Jan-13
CIP CONSTRUCTION PROJECTS	ECTS - JOC'S WITH PO'S (CONTRACTORS NAMED IN THE AFFIDAVIT)	RACTORS NAMED IN	<b>V THE AFFIDAVIT</b>	.)
Project Name	Contractor	Remaining Work (\$)	% Work Complete (in place)	Estimated Completion Date
Public Works Yard Facility	Coastland Construction	\$450,367.05	%0	Jun-13
Scott Rakow Fence Removal	Coastline Painting	\$9,231.00	63%	Dec-12
Watermain Installation Arra Coridor 73rd to 85th streets	David Mancini & Sons, Inc.	\$221,112.76	%86	Jan-13
Biscayne Point Waterwain 84TH & 85TH streets	David Mancini & Sons, Inc.	\$88,533.30	%86	Jan-13
Watermain Installation along 69th st. (harding Ave to Indian Creek)	David Mancini & Sons, Inc.	\$0.00	100%	Complete
Flamingo Street Improvements 10	Ric-Man International, Inc	\$69,313.47	100%	Complete

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Flamingo Streeet Improvements 10F - Medallion	Ric-Man International, Inc	\$15,695.38	%66	Complete
Venetian Cuseway Watermain Crossings	Ric-Man International, Inc	\$0.00	100%	Complete
PW CONSTRUCTION PROJ	PW CONSTRUCTION PROJECTS - JOC'S WITH PO'S (CONTRACTORS NAMED IN THE AFFIDAVIT)	<b>TRACTORS NAMED II</b>	N THE AFFIDAVIT	(
10th Street: Street End Improvements	Coastland Construction	\$632,275.26	%0	180 days
Star Island	H.A. Contracting	\$417,000.00	65%	Feb-13
Dade Blvd Bike Path	Harbour Construction	00'000'009'9\$	80%	NA
Sunset Island 3 & 4 Entry	H.A. Contracting	\$426,234.90	Entrance 60%; Guard House 75%	Dec-12
Biscayne Point Bridge Railing	H.A. Contracting	\$9,748.97	%66	

Project Name	Scope of Work	Projec	Project Budget
	CIP FUTURE CONSTRUCTION PROJECTS		
Flamingo Park Football Field / Track	Football Field & Track Improvement including artificial turf and drainage, and renovation to the Restroom's, Concession Area, Box Office, Press Box and upgrades to field lighting	<b>∽</b>	1,330,000.00
Miami Beach Golf Course Drainage Remediation	Drainage remediation of existing asphalt lot that floods during strong rain events. The scope will include modification of existing sorrounding area to include a large retention area for stormwater colletion during heavy rain events.	S	151,017.00
	The scope of work is being expanded to include a future Phase III that will provide an in-depth investigation and correct humidity conditions in the existing ice rink that have led to the formation of mold on one wall and		
Scott Rakow Youth Center - Ice Rink Mechanical Repairs	caused electrical shorts in the ice rink lights. This work includes the removal and replacement of the existing dehumidification system; possible removal and reconstruction, with insulation, of a section of the wall between the ice rink and the basket ball gymnasium; and the replacement of the existing lighting fixtures with more suitable energy efficient models for operation in	۰	1,242,421.00
	a cold environment.	-	
Surface Lot 4D West Ave and 16 Street	The renovation of the parking surface lot with a new layout generates a gain of approximately 24 parking spaces, a 75% increase in parking capacity, and a gain of approx 1,173 SF of green area. Upgrades of the lighting and drainage systems; new asphalt, stripping, sidewalks and landscape will also be included.	۰,	556,500.00
Surface Parking Lot 12X - 900 Washington Avenue	Surface lot renovation, asphalt, ADA compliance, curb, gutter & sidewalk upgrades.		190,000.00
Surface Parking Lot 17X - Collins Ave. & 13th Street	Renovation of parking surface lot. Asphalt and sidewalk, ADA compliant, lighting improvements, drainage improvements, landscaping adding new green areas.	٠. به	443,080.00
BP13C - Venetian Islands Improvements	The scope consists of area-wide street Improvements including stormwater improvements, water main replacement, specific sanitary sewer replacement, lighting improvements, street resurfacing and pavement marking.	ν.	8,600,000.00

The La Gorce Improvements imported in Incomplete in Incomp	いない。大学の大学の大学の大学の大学の大学の大学の大学の大学の大学の大学の大学の大学の大	Projec	Project Budget
	The scope consists of area-wide street Improvements including stormwater improvements, water main replacement, specific sanitary sewer replacement, street resurfacing and pavement marking.	r 0,	17,988,772.00
The BP08D - Bayshore Sunset Islands III & IV upgr	The area includes Sunset Island 3 and Island 4. Scope includes roadway reconstruction, planting strip restoration, water line replacement and upgrade, valley gutter installation and stormwater upgrades and coordination with FPL utility for burying overhead utility lines.	v,	7,529,338.00
The BP13A - Palm & Hibiscus Island inclu Enhancement Utilii	The Palm and Hibiscus Island Right-of-Way Improvement project will include a variety of streetscape, watermain and storm water upgrades. The project also includes the coordination with Utility Companies for the Utilities undergrounding program.	· •	13,392,646.00
17th Street Parking Garage - Rooftop 17th Elevator Enclosures Dep	The project will include the creation of enclosures to all elevators at the 17th Street Parking Garage on the fifth floor, as mandated by the Building Department.	<	646,600.00
Prop Prop sides sides Normandy Isle Neighborhood - Phase II adju hedg	Proposed miscellaneous improvements include: Commercial District sidewalk pavers; landscaping at Bay Drive; relocation of existing Royal Palms under powerline; Landscaping in Commercial District and Street End of Rue Notre Dame and Marseille Drive with precast wheelstops; adjustment of sidewalk slope at Maimonides Drive; and replacement hedge, and installation of side shields on new pedestrian lights at Normandy Sud. Regrading of Marseille Drive swales; Driveway aprons harmonization.	<b>⋄</b>	1,396,215.00
Prov Normandy Shores Neighborhood - Phase lands II sidev at N.	Provide miscellaneous improvements including: relocation of existing landscape under powerline at Biarritz Drive; relocation of fire hydrants; sidewalk alignment to accommodate existing muti-family building parking at N. Shore Drive; and irrigation at various intersections.	v٠	270,073.00
Replander Window Replacement - 777 Bldg proje	Replace all existing windows with impact windows. This is a FEMA funded project that needs to be completed by August 1, 2013.	\$	00.000,009
Convention Center Interior & Exterior Door Replacement (ADA Compliance) Inter	Interior and exterior door repalcmeent to comply with ADA requirements	\$	300,000.00
1701 Meridian 4th Floor Renovation ADA	Remodeling/Renovation of 3500 sf on the 4th floor office space to include ADA Restrooms, mechanical, electrical, fire alarm and plumbing	· •	200,000.00

Project Name The scope of work consist of water, stormwater, streetscape, lighting Improvements. Project limits are from the North righ of way of 5th Street to the North right of way of 6th Street, between Lenox Avenue and Euclid Avenue.  North Shore - Parkview Island ROW Right of way improvements TBD			
The scope of work consist of water, stormwater, streetscape, lighting improvements. Project limits are from the North righ of way of 5th Street to the North right of way of 6th Street, between Lenox Avenue and Euclid Avenue.  OW Right of way improvements	Project Name	Scope of Work	Project Budget
improvements. Project limits are from the North righ of way of 5th Street  to the North right of way of 6th Street, between Lenox Avenue and Euclid  Avenue.  OW Right of way improvements		The scope of work consist of water, stormwater, streetscape, lighting	
to the North right of way of 6th Street, between Lenox Avenue and Euclid Avenue.  OW Right of way improvements TB		improvements. Project limits are from the North righ of way of 5th Street	
Avenue.  OW Right of way improvements		to the North right of way of 6th Street, between Lenox Avenue and Euclid	9,200,000.00
Right of way improvements	Flamingo 10G - 6th Street ROW	Avenue.	
	North Shore - Parkview Island ROW	Right of way improvements	TBD

Project Name	Scope of Work	Project Budget	lget
	PUBLIC WORKS FUTURE CONSTRUCTION PROJECTS		
Fabricate and install access control gates			4
(Phase 1 of 3)		\$ 1	143,000.00
Replace exhaust fans at Fire Station #1		\$	44,500.00
Replace cooling tower at Scott Rakow		\$	89,156.00
Replace HVAC unit and upgrade controls			
at-Fire-Station-#1		Ş.,	-45.000:00-
Replace A/C unit, ducting, and outside			
makeup air intake at North Shore Youth		-	i
Center		\$ 1	151,283.00
Replace HVAC units and exhaust system			
for Fleet Management		\$	36,988.00
Replace A/C units at Anchor Shops		\$	86,020.00
HVAC controls upgrade at Scott Rakow		\$	20,020.00
HVAC replacement at 17th Street Garage			
Replace exhaust systems at 42nd Street		<b>Λ</b>	74,797.00
Garage		·	8.900.00
Replace heat generating system at Fire			
Station #1			11.393.00
Replace air handler units at South Shore			
Community Center		\$	312,092.00
Replace A/C unit and exhaust system at			
7th Street Garage		\$	17,140.00
Replace emergency generator at Fire			
Station #1			98,450.00
Replace emergency generator at Marine			
Patrol		\$	64,515.00
Replace emergency generator at Bass			
Museum		\$	47,072.00
Replace emergency generator at Public			
Works Operations Center		\$	177,558.00
Reroof maintenance/garage roof areas			
at Fire Station #2		\$ 1	184,800.00

Project Name	Scope of Work	Project Budget	Budget
Replace roof tile on mansard areas at		•	
Historic City Hall		\$.	53,647.00
Reroof tile roof area at Carl Fisher		\$	105,600.00
Replace gutters/down spout system at			
Carl Fisher		\$	25,795.00
Reroof flat roof area and replace parapet			,
flashings-at-Anchor-Shops-and-Garage		-\$	95,645.00
Reroof entire roof area at South Shore			
Community Center		\$	411,566.00
Replace entire fire alarm system at Fleet			
Management Facility		\$	39,000.00
Replace entire fire alarm system at			
Sanitation Facility		\$	39,000.00
Replace entire fire alarm system at			
Anchor Shops and Garage		\$	68,950.00
Replace entire fire alarm system at 7th			
Street Garage		- <del>\</del>	46.443.00
Replace entire fire alarm system at 42nd		,	
Street Garage		\$	46,443.00
Replace entire fire alarm system at City			
Hall		. \$	314,325.00
Replace entire fire alarm system at 13th			
Street Garage		\$	46,580.00
Replace entire fire alarm system at			
Miami City Ballet		٠	348,123.00
Upgrade and modify elevator to current			
code requirements at Historic City Hall		. 65-	269,500.00
Upgrade and modify elevator to current			
code requirements at 13th Street Garage		\$	184,800.00
Upgrade and modify elevator to current		·	
code requirements at 7th Street Garage		\$	236,500.00
		•	

Project Name	Scope of Work	Droibert Rindoot	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Replace/refurbish elevators to meet			
current code requirements at Anchor			
Shops and Garage		357,995.00	2.00
Upgrade and modify elevator to current			
code requirements at City Hall		\$ 217.000.00	00.0
Replace elevators due to age at 42nd			
Street Garage		786.950.00	00.0
requirements at Bass Museum		\$ 60.115.00	00
Replace windows to hurricane rated at			
the 555 Building, 777 Building, Fleet			
Management Facility, and 21 Street			
Community Center		1 281 952 00	000
Replace window walls at Miami City			
Ballet		\$ 86.491.00	9
Replace exterior doors at 12th Street			
Garage		\$ 53,197.00	.00
Replace exterior doors at Carl Fisher			6
Replace exterior doors at City Hall		\$ 33,728,00	3 6
Replace exterior lighting at the Fillmore			8
Replace emergency lighting systems at			3
City Hall		378.650.00	00
Replace emergency lighting systems at			
Miami City Ballet		\$ 52.863.00	9
Main electrical system upgrade to meet			
current code at 21st Street Community			
Center		37 394 00	
Upgrade main electrical system at 555			
Building		\$ 88,342.00	00.
Upgrade breaker system to meet current			
code requirements at Bass Museum		\$ 35.425.00	00
Replace interior lighting system at			
		\$ 67,023.00	8

Project Name ( )	Scope of Work	Project Budget
Upgrade main electrical distribution at		
Fleet Management Facility		\$ 72,356.00
Replace up lighting at 1100 block of		
Lincoln Road		00.005,009 \$
North Beach Recreational Corridor (79th		
Street Beachwalk Extension)		TBD
Waterproof and paint the exterior of the		
Colony Theater		\$ 65.000.00
Install additional exterior lighting at the		
Colony Theater		\$ 15.000.00
Electrical service to install 10 Coke		
machines		\$ 15.000.00
Stormwater and outfall cleaning and		
video		240.000.00
Sanitary sewer pump stations wet well		
cleaning		45 000 00
NOO	CONVENTION CENTER FUTURE CONSTRUCTION PROJECTS	
Replace eight power disconnects for the		
eight cooling towers for the Miami		
Beach Convention Center		\$ 45,000,00
Replace three wall mounted disconnects		
in C ballroom for the Miami Beach		
Convention Center		30.000.00
Perform infrared testing to include		
maintenance of all electrical		,
panels/disconnects throughout the		
Miami Beach Convention Center		150.000.00
Replace eight three way chilled water		
valves with eight two way valves for air		
handlers 2,4,5,42,54,81,82 and 95 for		
the Miami Beach Convention Center		\$ 45,000.00

Project Name	Scope of Work	Project Budget
Install four sets of ADA exterior glass		
automatic doors to include openers. One		
set in each of the four lobby entrances		
for the Miami Beach Convention Center		\$ 35,000.00
Replacement of 100 ton chilled water air		
handlers 49 and 51 for the Miami Beach		
- Convention-Center		\$ 200.000.00
PARKS AND RECR	D RECREATION CENTER FUTURE CONSTRUCTION PROJECTS	
Pebble floor installation at Flamingo		
Park Pool		\$ 60,000.00